IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 5812 of 2005

Between:

1 Vegesna Rama Raju, s/o Venkata Raju, Hindu,
Mahadevapatnam Water Distributors President Velivarru,
Undi Manda, W.G. District.
2 Kalidindi Venkata Krishnam Raju, S/o Venkata Rama Raju,
Hindu. R/o Velivarru, Undi Manda, W.G. District.
3 Mudunuri Rama Konda Raju, S/o Subbaraju, Hindu,
R/o Velivarru, Undi Manda, W.G. District.
4 Potturi Venkateswara Raju, S/o Satyanarayana Raju, Hindu.
R/o Velivarru, Undi Manda, W.G. District.

..... PETITIONERS

AND

1 The District Collector, Panchayat Wing West Godavari District, Eluru.
2 The Divisional Engineer, Panchayat Raj, Akiveedu, W.G. District.
3 The Agricultural Director, Agricultural Market Yard, Eluru.
4 The Secretary, Agricultural Market Yard, Akiveedu.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, particularly a Writ of Mandamus, declaring the action of the respondents as illegal and ultra vires to the provisions of Article 14 of the Constitution of India besides directing to form the road as per the sanctioned and approved route in accordance with the Policy of the Government from Kallepallivari Veedhi Puntha to Dubbalakodu drain of Undi Mandal, West Godavari District, directing not to change the sanctioned route.

Counsel for the Petitioners: MR.V.S.R.ANJANEYALU

Counsel for the Respondents 1 & 2 : GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

Counsel for the Respondents 3 & 4 : None appeared.

The Court made the following at the stage of admission:

ORDER:

The Writ Petition is filed challenging the action of the second respondent in laying route between Kallepallivari Veedhi Puntha and Dubbalakodu drain of Undi mandal, West Godavari district, against the sanctioned and approved route, diverting the same into the lands of petitioners.

Having heard the learned counsel on either side and on perusal of the material on record, it would suffice in the interest of justice to direct the petitioners to make a fresh representation, if they so desire, to the first respondent regarding the deviation made by the second respondent in laying the road as sanctioned by the first respondent. On such representation, the first respondent is directed to consider the same and pass appropriate orders in accordance with law.

With the aforesaid observation, the Writ Petition is disposed of.

07.06.2005

DRK

Copy to:

1 The District Collector, Panchayat Wing West Godavari District, Eluru.
2 The Divisional Engineer, Panchayat Raj, Akiveedu, W.G. District.
3 Two CCs to the G.P. for Panchayat Raj and Rural Development, High Court of A.P., High Court buildings, Hyderabad (o.u.t.).

4 Two CD copies.